Case 2:23-cv-00641-JRG-RSP Document 67-3 Filed 02/13/25 Page 1 of 37 PageID

EXHIBIT 17

Case 2:23-cv-00641-JRG-RSP

Document 67-3 #: 3260 Filed 02/13/25

Page 2 of 37 PageID

BERNARD JOHN MURPHY

EXHIBIT 05

08/13/24

From: Jim Lavine <jfl615@gmail.com>
Sent: Tuesday, January 30, 2018 12:17 PM

To: Nate McOmber

Subject: Aha

Your account (ItsOn, Inc.) has been cancelled

To activate this account again please phone 1-888-926-2240 or email support@aha.io.

We should get this reactivated.

From: Jim Lavine <jfl615@gmail.com>
Sent: Tuesday, January 30, 2018 12:13 PM

To: Nate McOmber

Subject: ItsOn G-Suite Enterprise Account

Dave Johnson was managing the G-Suite Enterprise account. I suggest we don't let it lapse as that is where all the docs are.

JL

Document 67-3 Filed 02/13/2

#: 3262

Filed 02/13/25 Page 4 of 37 PageID

From: Jim Lavine <jfl615@gmail.com>
Sent: Tuesday, January 30, 2018 12:59 PM

To: Nate McOmber

Subject: Re: Aha

I don't know - Kathy would know best.

JL

On Tue, Jan 30, 2018 at 12:57 PM Nate McOmber < nmcomber@shrwood.com > wrote:

Sounds good. Is anyone other than David Pommeroy authorized on the account? And do you know how much reactivation might cost?

Nate McOmber SHERWOOD PARTNERS, INC. (o) 650.454.8013 (c) 801.664.4605 nmcomber@shrwood.com

From: Jim Lavine [mailto:jfl615@gmail.com]
Sent: Tuesday, January 30, 2018 12:56 PM
To: Kathy Loncarich <kaloncarich@gmail.com>

Cc: Nate McOmber < nmcomber@shrwood.com >; Nicolas Hernandez < nhernandez@shrwood.com >

Subject: Re: Aha

This is where all of the product roadmap and requirements were done. This is what Hany was asking about.

On Tue, Jan 30, 2018, 12:54 PM Kathy Loncarich < kaloncarich@gmail.com > wrote:

I do not have access to this account..it was set up by David Pommeroy

...

On Tue, Jan 30, 2018 at 12:41 PM, Nate McOmber < nmcomber@shrwood.com> wrote:

+ Kathy and Nicolas

Thanks Jim. Can you explain briefly for all of us what is on Aha and why we would need to reactivate this account?

Nate McOmber SHERWOOD PARTNERS, INC. (o) 650.454.8013 (c) 801.664.4605 nmcomber@shrwood.com

From: Jim Lavine [mailto:jfl615@gmail.com]
Sent: Tuesday, January 30, 2018 12:40 PM
To: Nate McOmber < nmcomber@shrwood.com>

Subject: Re: Aha

Kathy to pay it

On Tue, Jan 30, 2018, 12:33 PM Nate McOmber < nmcomber@shrwood.com> wrote:

Are you authorized on the account? I'm surely not. Or Kathy?

Nate McOmber SHERWOOD PARTNERS, INC. (o) 650.454.8013 (c) 801.664.4605 nmcomber@shrwood.com

From: Jim Lavine [mailto:jfl615@gmail.com]
Sent: Tuesday, January 30, 2018 12:17 PM
To: Nate McOmber <nmcomber@shrwood.com>

Subject: Aha

Your account (ItsOn, Inc.) has been cancelled

To activate this account again please phone <u>1-888-926-2240</u> or email <u>support@aha.io</u>.

We should get this reactivated.

Document 67-3 Filed 02/1

#: 3265

Filed 02/13/25 Page 7 of 37 PageID

From: Jim Lavine <jfl615@gmail.com>
Sent: Wednesday, February 7, 2018 2:12 PM

To: Nate McOmber Cc: Kathy Loncarich

Subject: Re: [Aha! Support] Update: Do you have a quick minute?

I took a look at Aha - I can get in for now. There does not seem to be a way to export that data. I also checked the blogs and searched on it. It only exports list-type data to Excel, but not the details (the important stuff).

I suggest that you keep 1 admin account that has access to everything (1 seat) and offer that as part of the purchase. Since none of that is commercialized, only ideas, not sure if you are even obligated to provide it to an acquirer.

Thoughts?

Jim

On Wed, Feb 7, 2018 at 2:02 PM Nate McOmber < nmcomber@shrwood.com > wrote:

Jim,

It looks like Aha is paid through today, so it will try to renew today, but will fail since the card is dead. Not sure when our access will be cut off. Can you estimate when the material on Aha can be pulled?

Nate McOmber SHERWOOD PARTNERS, INC. (0) 650.454.8013 (c) 801.664.4605 nmcomber@shrwood.com

From: Tahlia Sutton (Aha!) [mailto:billing@ahasupport.zendesk.com]

Sent: Friday, February 2, 2018 6:42 PM

Cc: Accounting <accounting@itsoninc.com>; Nate McOmber <nmcomber@shrwood.com>; Nicolas Hernandez <nhernandez@shrwood.com>; billing@ahasuppoprt.zendesk.com; Kathy Loncarich <kaloncarich@gmail.com>

Subject: [Aha! Support] Update: Do you have a quick minute?

Document 67-3 #: 3266

##- Please type your reply above this line -##

You are registered as a CC on this support request (https://support.aha.io/hc/requests/184393). Reply to this email to add a comment to the request.



Tahlia Sutton (Aha! Support)

Feb 2, 3:41 PM HST

Hi Nate and team,

I have reactivated the account. The account was already paid through February 7th.

On February 7th, it will look to renew the 5 seats with credit card on file.

You may make any changes to the number of seats and credit card details within the account by going to Settings > Account > Billing.

If you only need to modify the billing details, you may do so directly in our billing system through this link:

https://aha.recurly.com/account/billing_info/edit?ht=DH97VHxfrNmDFULYcu9eRjKYXGCBxEku

Let us know if you have any questions.

Tahlia



Nmcomber

Feb 2, 2:22 PM HST

Randy, yes - please turn it back on and let me know how I can make payment.

Nate McOmber SHERWOOD PARTNERS, INC.

(O) <u>650.454.8013</u>

(C) 801.664.4605

nmcomber@shrwood.com



Randy Ayers (Aha! Support)

Feb 2, 1:49 PM HST

Hello,

We can reinstate to account. The account was on a monthly plan at \$119/per seat/per month. You would simply need to pay \$595 to reinstate what was there. Would you like for me to turn it back on?

#: 3267

Regards, Randy



Accounting

Feb 2, 12:45 PM HST

Hi we need to keep aha! running for a couple more months- the company is in the process of being bought and we need to make sure all the documents are retained until the sale goes through and then we can transfer over to them.

In the meantime: how much do we need to pay and what is best way to pay it? Thank you in advance, Kathy

Accounting Team ItsOn, Inc. 3 Lagoon Dr., # 230

Redwood City, CA 94065

Office: 650-517-2799



Randy Ayers (Aha! Support)

Feb 2, 12:34 PM HST

Hi there,

We received an alert that your subscription expired today. Would you mind taking a quick minute to let me know why Aha! is no longer a fit for you?

#: 3268

We reached out once before, but didn't hear back. Your feedback is truly important to us.

I look forward to hearing from you.

Regards,

Randy



Accounting

Feb 2, 11:40 AM HST

This is a follow-up to your previous request #181190 "Your Aha! Subscription Expired"

Hello is it too late to re-instate this account? If not can you please advise? Thank you

Accounting Team

ItsOn, Inc.

3 Lagoon Dr., # 230

Redwood City, CA 94065

Office: 650-517-2799

Aha! | Support | Forum | Ideas

<u>Lovability</u> — our bestselling new book for product and company builders

From: Jim Lavine <jfl615@gmail.com>
Sent: Tuesday, January 30, 2018 12:40 PM

To: Nate McOmber

Subject: Re: Aha

Kathy to pay it

On Tue, Jan 30, 2018, 12:33 PM Nate McOmber < nmcomber@shrwood.com> wrote:

Are you authorized on the account? I'm surely not. Or Kathy?

Nate McOmber SHERWOOD PARTNERS, INC. (0) 650.454.8013 (c) 801.664.4605 nmcomber@shrwood.com

From: Jim Lavine [mailto:jfl615@gmail.com]
Sent: Tuesday, January 30, 2018 12:17 PM

To: Nate McOmber <nmcomber@shrwood.com>

Subject: Aha

Your account (ItsOn, Inc.) has been cancelled

To activate this account again please phone 1-888-926-2240 or email support@aha.io.

We should get this reactivated.

From: Jim Lavine <jfl615@gmail.com>
Sent: Tuesday, January 16, 2018 10:15 AM

To:Nicolas HernandezCc:Nate McOmberSubject:Re: Call re: ItsOn IP

Hi Nicholas,

What time will you get to the office?

On Tue, Jan 16, 2018, 9:55 AM Jim Lavine < jfl615@gmail.com > wrote: I am at the office, but can't get in.

On Mon, Jan 15, 2018, 1:48 PM Nicolas Hernandez < nhernandez@shrwood.com> wrote:

Hello Nate and Jim,

I will be here from about 10AM to 6PM.

Regards,



Solutions | Results | Success | Since 1992

Nicolas B. Hernandez

nhernandez@shrwood.com (650) 454-8037 Direct (650) 454-8052 eFax www.shrwood.com

Silicon Valley | Los Angeles | New York

#: 3271
CONFIDENTIALITY NOTICE: This e-mail transmission, and any documents, files or previous e-mail messages attached to it, may contain confidential information that is legally privileged. If you are not the intended recipient, or a person responsible for delivering it to the intended recipient, you are hereby notified that a disclosure, copying, distribution or use of any of the information contained in or attached to this message is STRICTLY PROHIBITED. If you have received the transmission in error, please immediately notify us by reply e-mail at info@shrwood.com or by telephone at (650) 454.8030, and destroy the original transmission and its attachments without reading them or saving them to disk. Thank you.
IRS CIRCULAR 230 DISCLOSURE: To comply with requirements imposed by recently issued treasury regulations, we inform you that any U.S. tax advice contains in this communication (including any attachments) is not intended or written by us, and cannot be used by you, for the purpose of (i) avoiding penalties und the Internal Revenue Code or (ii) promoting, marketing or recommending to another person any transaction or matter addressed herein.
Please consider the environment before printing this e-mail; please recycle.
From: Nate McOmber Sent: Monday, January 15, 2018 1:33 PM To: Nicolas Hernandez < < nhernandez @ shrwood.com > Cc: Jim Lavine < ifl615 @ gmail.com > Subject: FW: Call re: ItsOn IP
Nicolas,
I just spoke with Jim Lavine (cc'd) regarding the servers at Redwood Shores. Much of the IP is in the cloud, but there is a Wiki with documentation on a Confluence server located at 3 Lagoon. Jim can come tomorrow, probably afternoon, and (a) download a database file of this wiki which the Assignee could then store in the cloud, and (b) pull out and hand to you the physical disk drive.
He is speaking to the IT specialist on his team to confirm things and will then provide a time that works best for him to come to the office tomorrow.
Thanks

Nate McOmber SHERWOOD PARTNERS, INC. (o) 650.454.8013 (c) 801.664.4605 nmcomber@shrwood.com

From: Jim Lavine [mailto:jfl615@gmail.com]
Sent: Monday, January 15, 2018 1:35 PM
To: Nate McOmber <nmcomber@shrwood.com>

Cc: Jim Lavine < jim.lavine@itsoninc.com>

Subject: Re: Call re: ItsOn IP

Hi Nate,

Sure. You can call me on 415-652-8255.

I can work with the developers to pull all of the software from the local servers. Some of it is in the cloud. Also, we have a wiki that is on that servers that has a lot of our documentation. That is not easy to pull from there as it's not meant to be extracted into another form.

Additionally, there is a bunch of docs on Google Drive, Box and Dropbox that have documentation, UI/UX designs, High and low level designs, etc. It's in a lot of places.

Thanks,

Jim

On Mon, Jan 15, 2018 at 12:32 PM Nate McOmber < nmcomber@shrwood.com> wrote:

Hi Jim – would you have a few minutes today to discuss ItsOn's IP? We will need to extract source code etc. from the servers before our liquidator removes the servers (tomorrow or Wed).

Nate McOmber

SHERWOOD PARTNERS, INC.

Silicon Valley | Los Angeles | New York 1100 La Avenida Street

Mountain View, CA 94043

(d) 650.454.8013 (m) 801.664.4605 nmcomber@shrwood.com www.sherwoodpartners.com

CONFIDENTIALITY NOTICE: This e-mail transmission, and any documents, files or previous e-mail messages attached to it, may contain confidential information that is legally privileged. If you are not the intended recipient, or a person responsible for delivering it to the intended recipient, you are hereby notified that any disclosure, copying, distribution or use of any of the information contained in or attached to this message is STRICTLY PROHIBITED. If you have received this transmission in error, please immediately notify us by reply e-mail at info@shrwood.com or by telephone at <a href="mai

IRS CIRCULAR 230 DISCLOSURE: To comply with requirements imposed by recently issued treasury regulations, we inform you that any U.S. tax advice contained in this communication (including any attachments) is not intended or written by us, and cannot be used by you, for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another person any transaction or matter addressed herein.

From: Jim Lavine <jfl615@gmail.com>
Sent: Friday, January 19, 2018 1:28 PM

To: Nicolas Hernandez
Cc: Nate McOmber
Subject: Re: ItsOn - Telefonica
Attachments: image001.jpg; image001.jpg

There was a tableau server, but not sure where that data was physically stored. I can ask to see what I can find out. It may be on the disk arrays that I told you to keep.

Let me check.

JL

On Fri, Jan 19, 2018 at 1:12 PM Nicolas Hernandez nhernandez@shrwood.com wrote:

Hi Jim,

For clarification purposes, do any of the servers/computers at the Redwood City office contain any of this information? I know that the Sunnyvale office and that the San Diego office are small and apparently did not have a server room at those locations but I also need to ask if at any of those locations exist any of this information? What about physical records? Do we have any physical records?

Thank you,



CONFIDENTIALITY NOTICE: This e-mail transmission, and any documents, files or previous e-mail messages attached to it, may contain confidential information that is legally privileged. If you are not the intended recipient, or a person responsible for delivering it to the intended recipient, you are hereby notified that any disclosure, copying, distribution or use of any of the information contained in or attached to this message is STRICTLY PROHIBITED. If you have received this transmission in error, please immediately notify us by reply e-mail at info@shrwood.com or by telephone at <a href="mai

IRS CIRCULAR 230 DISCLOSURE: To comply with requirements imposed by recently issued treasury regulations, we inform you that any U.S. tax advice contained in this communication (including any attachments) is not intended or written by us, and cannot be used by you, for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another person any transaction or matter addressed herein.



Please consider the environment before printing this e-mail; please recycle.

From: Jim Lavine [mailto:jfl615@gmail.com]
Sent: Friday, January 19, 2018 12:15 PM

To: Nicolas Hernandez < nhernandez@shrwood.com Cc: Nate McOmber nmcomber@shrwood.com

Subject: Re: ItsOn - Telefonica

Hi Nicolas,

That data will be destroyed when QTS dismantles our environment.

JL

On Fri, Jan 19, 2018 at 10:29 AM Nicolas Hernandez nhernandez@shrwood.com wrote:

Hi Jim,

Telefonica is demanding the return or destruction of their confidential information. Telefonica is claiming that we are in possession of at least the following confidential information (the "Confidential Information") with respect to Telefonica's subscribers: (a) call registries, (b) data traffic records, (c) sale records, (d) emails and (e) user cell phone numbers. According to Telefonica, this Confidential Information is located on ItsOn's servers in electronic form and in its business records in physical form. Even though we are not bound or contractually obligated to comply as we are not a party of the Agreement by and between Telefonica and ItsOn, Inc., we don't mind helping with this request. As such, please let us know if you know if: (a) we have this information, (b) location of the information and (c) best way to return or destroy such information?

Please let us know.

Thanks,

Nicolas B. Hernandez

nhernandez@shrwood.com (650) 454-8037 Direct (650) 454-8052 eFax www.shrwood.com

Solutions | Results | Success | Since 1992

Silicon Valley | Los Angeles | New York

CONFIDENTIALITY NOTICE: This e-mail transmission, and any documents, files or previous e-mail messages attached to it, may contain confidential information that is legally privileged. If you are not the intended recipient, or a person responsible for delivering it to the intended recipient, you are hereby notified that any disclosure, copying, distribution or use of any of the information contained in or attached to this message is STRICTLY PROHIBITED. If you have received this transmission in error, please immediately notify us by reply e-mail at info@shrwood.com or by telephone at (650) 454.8030, and destroy the original transmission and its attachments without reading them or saving them to disk. Thank you.

IRS CIRCULAR 230 DISCLOSURE: To comply with requirements imposed by recently issued treasury regulations, we inform you that any U.S. tax advice contained in this communication (including any attachments) is not intended or written by us, and cannot be used by you, for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another person any transaction or matter addressed herein.



Please consider the environment before printing this e-mail; please recycle.

From: Jim Lavine <jfl615@gmail.com>
Sent: Friday, January 19, 2018 4:16 PM

To:Nicolas HernandezCc:Nate McOmberSubject:Re: ItsOn - Telefonica

Attachments: image001.jpg; image001.jpg

Hi Nicolas,

I finally tracked this down. Seems that the Tableau server was on a VM in QTS. Once QTS dismantles the environment, the data will be gone. We had none of it in RWS.

Thanks,

jim

On Fri, Jan 19, 2018 at 2:47 PM Nicolas Hernandez nhernandez@shrwood.com wrote:

Thank you Jim. Please let us know once you have an answer so that we can address it with Telefonica.

Regards,



CONFIDENTIALITY NOTICE: This e-mail transmission, and any documents, files or previous e-mail messages attached to it, may contain confidential information that is legally privileged. If you are not the intended recipient, or a person responsible for delivering it to the intended recipient, you are hereby notified that any disclosure, copying, distribution or use of any of the information contained in or attached to this message is STRICTLY PROHIBITED. If you have received this transmission in error, please immediately notify us by reply e-mail at info@shrwood.com or by telephone at <a href="mai

IRS CIRCULAR 230 DISCLOSURE: To comply with requirements imposed by recently issued treasury regulations, we inform you that any U.S. tax advice contained in this communication (including any attachments) is not intended or written by us, and cannot be used by you, for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another person any transaction or matter addressed herein.



Please consider the environment before printing this e-mail; please recycle.

From: Jim Lavine [mailto:jfl615@gmail.com] Sent: Friday, January 19, 2018 1:28 PM

To: Nicolas Hernandez <nhernandez@shrwood.com> Cc: Nate McOmber <nmcomber@shrwood.com>

Subject: Re: ItsOn - Telefonica

There was a tableau server, but not sure where that data was physically stored. I can ask to see what I can find out. It may be on the disk arrays that I told you to keep.

Let me check.

JL

On Fri, Jan 19, 2018 at 1:12 PM Nicolas Hernandez < nhernandez@shrwood.com> wrote:

Hi Jim,

For clarification purposes, do any of the servers/computers at the Redwood City office contain any of this information? I know that the Sunnyvale office and that the San Diego office are small and apparently did not have a server room at those locations but I also need to ask if at any of those locations exist any of this information? What about physical records? Do we have any physical records?

Thank you,

Nicolas B. Hernandez

nhernandez@shrwood.com (650) 454-8037 Direct (650) 454-8052 eFax www.shrwood.com

Solutions | Results | Success | Since 1992

Silicon Valley | Los Angeles | New York

CONFIDENTIALITY NOTICE: This e-mail transmission, and any documents, files or previous e-mail messages attached to it, may contain confidential information that is legally privileged. If you are not the intended recipient, or a person responsible for delivering it to the intended recipient, you are hereby notified that any disclosure, copying, distribution or use of any of the information contained in or attached to this message is STRICTLY PROHIBITED. If you have received this transmission in error, please immediately notify us by reply e-mail at info@shrwood.com or by telephone at (650) 454.8030, and destroy the original transmission and its attachments without reading them or saving them to disk. Thank you.

IRS CIRCULAR 230 DISCLOSURE: To comply with requirements imposed by recently issued treasury regulations, we inform you that any U.S. tax advice contained in this communication (including any attachments) is not intended or written by us, and cannot be used by you, for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another person any transaction or matter addressed herein.



Please consider the environment before printing this e-mail; please recycle.

From: Jim Lavine [mailto:jfl615@gmail.com]
Sent: Friday, January 19, 2018 12:15 PM

To: Nicolas Hernandez < nhernandez@shrwood.com Cc: Nate McOmber nmcomber@shrwood.com

Subject: Re: ItsOn - Telefonica

Hi Nicolas,

That data will be destroyed when QTS dismantles our environment.

JL

On Fri, Jan 19, 2018 at 10:29 AM Nicolas Hernandez < nhernandez@shrwood.com> wrote:

Hi Jim,

Case 2:23-cv-00641-JRG-RSP Document 67-3 Filed 02/13/25 Page 22 of 37 PageID

Telefonica is demanding the return or destruction of their confidential information. Telefonica is claiming that we are in possession of at least the following confidential information (the "Confidential Information") with respect to Telefonica's subscribers: (a) call registries, (b) data traffic records, (c) sale records, (d) emails and (e) user cell phone numbers. According to Telefonica, this Confidential Information is located on ItsOn's servers in electronic form and in its business records in physical form. Even though we are not bound or contractually obligated to comply as we are not a party of the Agreement by and between Telefonica and ItsOn, Inc., we don't mind helping with this request. As such, please let us know if you know if: (a) we have this information, (b) location of the information and (c) best way to return or destroy such information?

Please	let us	know.
--------	--------	-------

Thanks,

Solutions | Results | Success | Since 1992

Nicolas B. Hernandez

nhernandez@shrwood.com (650) 454-8037 Direct (650) 454-8052 eFax www.shrwood.com

Silicon Valley | Los Angeles | New York

CONFIDENTIALITY NOTICE: This e-mail transmission, and any documents, files or previous e-mail messages attached to it, may contain confidential information that is legally privileged. If you are not the intended recipient, or a person responsible for delivering it to the intended recipient, you are hereby notified that any disclosure, copying, distribution or use of any of the information contained in or attached to this message is STRICTLY PROHIBITED. If you have received this transmission in error, please immediately notify us by reply e-mail at info@shrwood.com or by telephone at info@shrwood.com or by telephone at info@shrwood.com or by

IRS CIRCULAR 230 DISCLOSURE: To comply with requirements imposed by recently issued treasury regulations, we inform you that any U.S. tax advice contained in this communication (including any attachments) is not intended or written by us, and cannot be used by you, for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another person any transaction or matter addressed herein.



Please consider the environment before printing this e-mail; please recycle.

From: Jim Lavine <jfl615@gmail.com>
Sent: Friday, January 19, 2018 4:26 PM

To: Nicolas Hernandez
Cc: Nate McOmber
Subject: Re: ItsOn - Telefonica

Attachments: image001.jpg; image001.jpg

Not that I am aware of. If we have/had any data on-prem, it would have been anonymised.

Thanks,

Jim

On Fri, Jan 19, 2018 at 4:23 PM Nicolas Hernandez < nhernandez@shrwood.com> wrote:

Thank you Jim. What about physical records, do we have any in our possession?

Regards,



CONFIDENTIALITY NOTICE: This e-mail transmission, and any documents, files or previous e-mail messages attached to it, may contain confidential information that is legally privileged. If you are not the intended recipient, or a person responsible for delivering it to the intended recipient, you are hereby notified that any disclosure, copying, distribution or use of any of the information contained in or attached to this message is STRICTLY PROHIBITED. If you have received this transmission in error, please immediately notify us by reply e-mail at info@shrwood.com or by telephone at <a href="mai

IRS CIRCULAR 230 DISCLOSURE: To comply with requirements imposed by recently issued treasury regulations, we inform you that any U.S. tax advice contained in this communication (including any attachments) is not intended or written by us, and cannot be used by you, for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another person any transaction or matter addressed herein.



Please consider the environment before printing this e-mail; please recycle.

From: Jim Lavine [mailto:jfl615@gmail.com]
Sent: Friday, January 19, 2018 4:16 PM

To: Nicolas Hernandez < nhernandez@shrwood.com cc: Nate McOmber < nmcomber@shrwood.com>

Subject: Re: ItsOn - Telefonica

Hi Nicolas,

I finally tracked this down. Seems that the Tableau server was on a VM in QTS. Once QTS dismantles the environment, the data will be gone. We had none of it in RWS.

Thanks,

jim

On Fri, Jan 19, 2018 at 2:47 PM Nicolas Hernandez < nhernandez@shrwood.com> wrote:

Thank you Jim. Please let us know once you have an answer so that we can address it with Telefonica.

Regards,

Nicolas B. Hernandez

Solutions | Results | Success | Since 1992

nhernandez@shrwood.com (650) 454-8037 Direct (650) 454-8052 eFax www.shrwood.com

Silicon Valley | Los Angeles | New York

CONFIDENTIALITY NOTICE: This e-mail transmission, and any documents, files or previous e-mail messages attached to it, may contain confidential information that is legally privileged. If you are not the intended recipient, or a person responsible for delivering it to the intended recipient, you are hereby notified that any disclosure, copying, distribution or use of any of the information contained in or attached to this message is STRICTLY PROHIBITED. If you have received this transmission in error, please immediately notify us by reply e-mail at info@shrwood.com or by telephone at (650) 454.8030, and destroy the original transmission and its attachments without reading them or saving them to disk. Thank you.

Case 2:23-cv-00641-JRG-RSP Document 67-3 Filed 02/13/25 Page 25 of 37 PageID

IRS CIRCULAR 230 DISCLOSURE: To comply with requirements imposed by recently issued treasury regulations, we inform you that any U.S. tax advice contained in this communication (including any attachments) is not intended or written by us, and cannot be used by you, for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another person any transaction or matter addressed herein.

Please consider the environment before printing this e-mail; please recycle.
From: Jim Lavine [mailto:jfl615@gmail.com] Sent: Friday, January 19, 2018 1:28 PM
To: Nicolas Hernandez < nhernandez@shrwood.com > Cc: Nate McOmber < nmcomber@shrwood.com > Subject: Re: ItsOn - Telefonica
There was a tableau server, but not sure where that data was physically stored. I can ask to see what can find out. It may be on the disk arrays that I told you to keep.
Let me check.
JL
On Fri, Jan 19, 2018 at 1:12 PM Nicolas Hernandez < nhernandez@shrwood.com > wrote:

For clarification purposes, do any of the servers/computers at the Redwood City office contain any of this information? I know that the Sunnyvale office and that the San Diego office are small and apparently did not have a server room at those locations but I also need to ask if at any of those locations exist any of this information? What about physical records? Do we have any physical records?

Thank you,

Hi Jim,

Nicolas B. Hernandez

Solutions | Results | Success | Since 1992

nhernandez@shrwood.com (650) 454-8037 Direct (650) 454-8052 eFax www.shrwood.com

Silicon Valley | Los Angeles | New York

CONFIDENTIALITY NOTICE: This e-mail transmission, and any documents, files or previous e-mail messages attached to it, may contain confidential information that is legally privileged. If you are not the intended recipient, or a person responsible for delivering it to the intended recipient, you are hereby notified that any disclosure, copying, distribution or use of any of the information contained in or attached to this message is STRICTLY PROHIBITED. If you have received this transmission in error, please immediately notify us by reply e-mail at info@shrwood.com or by telephone at (650) 454.8030, and destroy the original transmission and its attachments without reading them or saving them to disk. Thank you.

IRS CIRCULAR 230 DISCLOSURE: To comply with requirements imposed by recently issued treasury regulations, we inform you that any U.S. tax advice contained in this communication (including any attachments) is not intended or written by us, and cannot be used by you, for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another person any transaction or matter addressed herein.



Please consider the environment before printing this e-mail; please recycle.

From: Jim Lavine [mailto:jfl615@gmail.com] Sent: Friday, January 19, 2018 12:15 PM

To: Nicolas Hernandez < nhernandez@shrwood.com> Cc: Nate McOmber <nmcomber@shrwood.com>

Subject: Re: ItsOn - Telefonica

Hi Nicolas,

That data will be destroyed when QTS dismantles our environment.

JL

On Fri, Jan 19, 2018 at 10:29 AM Nicolas Hernandez < nhernandez@shrwood.com> wrote:

Hi Jim,

Case 2:23-cv-00641-JRG-RSP Document 67-3 Filed 02/13/25 Page 27 of 37 PageID

Telefonica is demanding the return or destruction of their confidential information. Telefonica is claiming that we are in possession of at least the following confidential information (the "Confidential Information") with respect to Telefonica's subscribers: (a) call registries, (b) data traffic records, (c) sale records, (d) emails and (e) user cell phone numbers. According to Telefonica, this Confidential Information is located on ItsOn's servers in electronic form and in its business records in physical form. Even though we are not bound or contractually obligated to comply as we are not a party of the Agreement by and between Telefonica and ItsOn, Inc., we don't mind helping with this request. As such, please let us know if you know if: (a) we have this information, (b) location of the information and (c) best way to return or destroy such information?

ы	9289	let us	know.

Thanks,

Solutions | Results | Success | Since 1992

Nicolas B. Hernandez

nhernandez@shrwood.com (650) 454-8037 Direct (650) 454-8052 eFax www.shrwood.com

Silicon Valley | Los Angeles | New York

CONFIDENTIALITY NOTICE: This e-mail transmission, and any documents, files or previous e-mail messages attached to it, may contain confidential information that is legally privileged. If you are not the intended recipient, or a person responsible for delivering it to the intended recipient, you are hereby notified that any disclosure, copying, distribution or use of any of the information contained in or attached to this message is STRICTLY PROHIBITED. If you have received this transmission in error, please immediately notify us by reply e-mail at info@shrwood.com or by telephone at <a href="mailto:info.mailt

IRS CIRCULAR 230 DISCLOSURE: To comply with requirements imposed by recently issued treasury regulations, we inform you that any U.S. tax advice contained in this communication (including any attachments) is not intended or written by us, and cannot be used by you, for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another person any transaction or matter addressed herein.



Please consider the environment before printing this e-mail; please recycle.

From: Jim Lavine <jfl615@gmail.com>
Sent: Friday, January 19, 2018 12:15 PM

To: Nicolas Hernandez
Cc: Nate McOmber
Subject: Re: ItsOn - Telefonica

Attachments: image001.jpg; image001.jpg

Hi Nicolas,

That data will be destroyed when QTS dismantles our environment.

JL

On Fri, Jan 19, 2018 at 10:29 AM Nicolas Hernandez < nhernandez@shrwood.com> wrote:

Hi Jim,

Telefonica is demanding the return or destruction of their confidential information. Telefonica is claiming that we are in possession of at least the following confidential information (the "Confidential Information") with respect to Telefonica's subscribers: (a) call registries, (b) data traffic records, (c) sale records, (d) emails and (e) user cell phone numbers. According to Telefonica, this Confidential Information is located on ItsOn's servers in electronic form and in its business records in physical form. Even though we are not bound or contractually obligated to comply as we are not a party of the Agreement by and between Telefonica and ItsOn, Inc., we don't mind helping with this request. As such, please let us know if you know if: (a) we have this information, (b) location of the information and (c) best way to return or destroy such information?

Please let us know.

Thanks,

	11. 020 1
×	Nicolas B. Hernandez nhernandez@shrwood.com (650) 454-8037 Direct (650) 454-8052 eFax
Solutions Results Success Since 1992	www.shrwood.com Silicon Valley Los Angeles New York

CONFIDENTIALITY NOTICE: This e-mail transmission, and any documents, files or previous e-mail messages attached to it, may contain confidential information that is legally privileged. If you are not the intended recipient, or a person responsible for delivering it to the intended recipient, you are hereby notified that any disclosure, copying, distribution or use of any of the information contained in or attached to this message is STRICTLY PROHIBITED. If you have received this transmission in error, please immediately notify us by reply e-mail at info@shrwood.com or by telephone at (650) 454.8030, and destroy the original transmission and its attachments without reading them or saving them to disk. Thank you.

IRS CIRCULAR 230 DISCLOSURE: To comply with requirements imposed by recently issued treasury regulations, we inform you that any U.S. tax advice contained in this communication (including any attachments) is not intended or written by us, and cannot be used by you, for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another person any transaction or matter addressed herein.



Please consider the environment before printing this e-mail; please recycle.

From: Jim Lavine <jfl615@gmail.com>
Sent: Friday, February 2, 2018 12:15 PM

To: Nate McOmber

Subject: Re: ItsOn document retention

I can try and locate as much as possible, but I need someone to give me full admin access so I can find everything in G-Suite. Jira and Wiki are in the backups that I did last month (and are on the servers that you kept). Aha is locked out as we didn't pay in January so that data may be lost. Someone needs to call them, pay, and see if they can re-enable our accounts and then figure out how we might export that data.

JL

On Fri, Feb 2, 2018 at 12:10 PM Nate McOmber < nmcomber@shrwood.com> wrote:

Jim,

Would you be able to pull from G-Suite, Aha, JIRA, Wiki, etc. the materials that should be retained? Please let me know whether you will be able to assist with this effort, and how long it might it take.

Also, regarding the IP and source code you were downloading and backing up, please let me know the status, and how we will receive access.

thanks

Nate McOmber SHERWOOD PARTNERS, INC. Silicon Valley | Los Angeles | New York

1100 La Avenida Street

Mountain View, CA 94043

(d) 650.454.8013 (m) 801.664.4605 nmcomber@shrwood.com www.sherwoodpartners.com

CONFIDENTIALITY NOTICE: This e-mail transmission, and any documents, files or previous e-mail messages attached to it, may contain confidential information that is legally privileged. If you are not the intended recipient, or a person responsible for delivering it to the intended recipient, you are hereby notified that any disclosure, copying, distribution or use of any of the information contained in or attached to this message is STRICTLY PROHIBITED. If you have received this transmission in error, please immediately notify us by reply e-mail at info@shrwood.com or by telephone at <a href="mai

IRS CIRCULAR 230 DISCLOSURE: To comply with requirements imposed by recently issued treasury regulations, we inform you that any U.S. tax advice contained in this communication (including any attachments) is not intended or written by us, and cannot be used by you, for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another person any transaction or matter addressed herein.

From: Jim Lavine <jfl615@gmail.com>
Sent: Tuesday, November 13, 2018 5:12 PM

To: Nate McOmber **Subject:** Re: Time tracking

Emel is a she

I have this email for her. Don't know if it's still good though... emelmeteoglu@yahoo.com

Jim

n Tue, Nov 13, 2018, 4:28 PM Nate McOmber < nmcomber@shrwood.com> wrote:

Ha – yes indeed.

So on the Aha! front, I learned Emel Meteoglu is "the only paid user on the subscription and has full admin rights." Do you happen to have his contact information? I need to find a way to either log in as Emel or gain access to his ItsOn email.

Nate McOmber

SHERWOOD PARTNERS, INC.
Silicon Valley | Los Angeles | New York
(d) 650.454.8013
(m) 801.664.4605
nmcomber@shrwood.com
www.sherwoodpartners.com

From: Jim Lavine <ifl615@gmail.com>

Sent: Tuesday, November 13, 2018 3:15 PM

To: Nate McOmber < nmcomber@shrwood.com >

Subject: Re: Time tracking

No surprise there 알 알

On Tue, Nov 13, 2018, 3:13 PM Nate McOmber <nmcomber@shrwood.com> wrote:

Thanks. No deal has been reached. The licensor would not consent to a deal.

Nate McOmber

SHERWOOD PARTNERS, INC.
Silicon Valley | Los Angeles | New York
(d) 650.454.8013
(m) 801.664.4605
nmcomber@shrwood.com
www.sherwoodpartners.com

From: Jim Lavine <jfl615@gmail.com>

Sent: Tuesday, November 13, 2018 3:12 PM

To: Nate McOmber < nmcomber@shrwood.com>

Subject: Re: Time tracking

Can they do both? If not, #1 then. What was the final disposition of itson?

On Tue, Nov 13, 2018, 3:11 PM Nate McOmber < nmcomber@shrwood.com wrote:

Jim,

Sorry to bother you. I checked with Aha! and they said there are 2 backup options. Which would you suggest I do?

- 1. **Save an Excel or CSV file**. "Almost all data in Aha! can be exported as an Excel or CSV file, allowing customers to easily backup their most important data."
- 2. **Complete account backup.** "Enterprise+ customers have the option to export a full JSON backup file of their Aha! environment to store themselves. This backup includes all strategy, releases, ideas, features, and comment data. It is intended to be used for IT administrators that have security policies requiring backups of all business applications."

Nate McOmber

SHERWOOD PARTNERS, INC.
Silicon Valley | Los Angeles | New York
(d) 650.454.8013
(m) 801.664.4605
nmcomber@shrwood.com
www.sherwoodpartners.com

From: Nate McOmber

Sent: Monday, November 12, 2018 8:43 AM

To: Jim Lavine < jfl615@gmail.com >

Subject: RE: Time tracking

Is it possible for me to have Aha Labs back up this data?

Nate McOmber

SHERWOOD PARTNERS, INC.
Silicon Valley | Los Angeles | New York
(d) 650.454.8013
(m) 801.664.4605
nmcomber@shrwood.com
www.sherwoodpartners.com

From: Jim Lavine < jfl615@gmail.com >

Sent: Monday, November 12, 2018 6:47 AM

To: Nate McOmber < nmcomber@shrwood.com>

Subject: Re: Time tracking

They is where product requirements and roadmap were stored. We lose them all. Do you still need it??

On Sun, Nov 11, 2018, 9:20 PM Nate McOmber < nmcomber@shrwood.com> wrote:

Jim, can you remind me what happens if we stop paying for Aha Labs in behalf of ItsOn?

Nate McOmber

SHERWOOD PARTNERS, INC.
Silicon Valley | Los Angeles | New York
(d) 650.454.8013
(m) 801.664.4605
nmcomber@shrwood.com
www.sherwoodpartners.com

From: Jim Lavine < jfl615@gmail.com >

Sent: Wednesday, February 14, 2018 6:54 AM **To:** Nate McOmber < nmcomber@shrwood.com > **Cc:** Nicolas Hernandez < nhernandez@shrwood.com >

Subject: Re: Time tracking

Hi Nate and Nicolas,

Attached is my time tracking for Feb 1-Feb 15. Total of 27 hours. Most of the time was spent looking for and transferring/exporting files from G-Drive (not an easy task as it's not reliable).

Let me know if you have any questions.

Thanks,

Jim

On Mon, Feb 12, 2018 at 4:49 PM Nate McOmber < nmcomber@shrwood.com> wrote:

By this Thurs 2/15, preferably by mid-day. It will cover the period 2/1 - 2/15. thanks

Nate McOmber SHERWOOD PARTNERS, INC. (0) 650.454.8013 (c) 801.664.4605 nmcomber@shrwood.com
From: Jim Lavine [mailto:jfl615@gmail.com] Sent: Monday, February 12, 2018 8:38 AM To: Nate McOmber <nmcomber@shrwood.com> Subject: Time tracking</nmcomber@shrwood.com>

Hi Nate,

When do you need our hours for next check run?

Thanks,

Jim

From: Jim Lavine <jim.lavine@itsoninc.com>
Sent: Tuesday, January 16, 2018 2:01 PM

To: Nicolas Hernandez **Subject:** Servers to Save

As discussed:

2 QNAP boxes in IT room.7 esxi servers in server room

1 MD300 in server room

3 Equallogic (eql) boxes in server room

QNAP boxes have backups

esxi servers are the VM infrastructure for ItsOn VM hosts (e.g., stash, jira, wiki, etc.) esxi servers mount drives on the equalogic and MD300 drive arrays. esxi servers also mount drives on /backup which are the QNAP boxes.

In addition, I am pulling copies of the last backups to my drop box. Once they are there, we can move them to a Sherwood cloud storage space for safe keeping.

In theory, if you put this all together again with all of the right IPs, you should be able to re-create the ItsON development environment and source repositories. If we want to test it, we would need an Ian Q and/or Eugene F to help re-build the set up and configuration in a new environment. I am not that hands-on with the systems to be able to reconfigure them.

Thanks,

Jim

--

Jim Lavine
Vice President, Solutions Architecture and Product Operations
ItsOn, Inc.
3 Lagoon Drive, Suite 230
Redwood City, CA 94065
jim@itsoninc.com
www.itsoninc.com
+1.650.517.2784 (O)
+1.415.652.8255 (M)